App. F. IX-4

1940.

193 .
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Legis

File No. 2—40

Serial Nos. 72—

Previous References
Legis 2—40 (76) (45)
Gen 45-40 (1-14)

Later References.
Legis 2—40 (86)

(7)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Are avg

Part B for April 1941

SUBJECT.

Cargoes on Enemy Ships — Enemy (Shipping claims) Order 1941.

WD 0573—GPB—22,500—12-9-39

B.B. Shanklin
23.4.41

Cargoes on Enemy ships – Enemy (Shipping Claims) Order, 1941

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

OFFICE OF THE FIRST MINISTER OF COUNCIL
MAR 27 1941
9763

HayT

From

The Secretary to the Hon'ble the Resident

7/125-40/W. dated 24th March 1941

Subject: Notification under Defence of India Rules re Cargoes on enemy ships – Enemy (Shipping Claims) Order, 1941

Recently at the request of the Residency a notification was issued under the Defence of India Rules, as applied to Mysore, requiring owners of legal or beneficial interests in any cargo in a ship owned or controlled by an enemy to send returns to the Secretary, Department of Commerce, Government of India, specifying the nature of the cargo etc.

The Residency have now sent another order for being copied here which follows the earlier one. This empowers certain firms to take, on instructions of persons beneficially interested in cargo, steps for obtaining possession of such cargo or for enforcing payment of claims etc. Noe compromise should however be ~~enete~~ entered into on receiving less than full payment. No payment should be made to an enemy without the consent of the Central Government.

Draft of a similar Order is put up. If approved it will be issued here.

Sou 29.3.41

MRV 27/3

Law Secy)

I Member)

V-I 27/3

Hm 27/3/41

MRV 29/3

Nil 29/3/41

Hm 29/3/41

MRV 29/3

TYPING SECTION 29 MAR. 1941 SEC. & TEL. SECTT.

NOTE—Contn. Sheet.

Issue J

29/3

Printed P 4947 - Dept 2 - 40 - 72 - 1.4.41 - 5 Copies

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.125-40/W.

REV. SECRETARIAT
26. MAR. 1941

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 24th March *194*1.

C.S. (War) RY.
25. MAR. 1941
GOVT. OF MYSORE.

CARGOES ON ENEMY SHIPS - ENEMY (SHIPPING CLAIMS) ORDER, 1941.

SIR,

In continuation of my letters No.F.125-40/W, dated the 27th November and 5th December 1940, I am directed to enclose a copy of the Commerce Department Notification No.194(1)-E.T./41, dated the 11th March 1941 published in the Gazette of India Extraordinary of the same date and to request that, if there is no objection, a similar notification under the Defence of India Rules as in force in the State may kindly be issued and a copy sent to this Residency for information.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

VN

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

NOTIFICATION

(Enemy Trading)

New Delhi, the 11th March 1941.

No.194(1)-E.T./41. - In pursuance of clause (a) of the proviso to sub-rule (1) of rule 98 of the Defence of India Rules, the Central Government is pleased to make the following Order, namely: -

1. This Order may be called the Enemy (Shipping Claims) Order, 1941.

2. In this Order the expressions "enemy" and "enemy territory" have the meanings respectively assigned to them in rules 97 and 2 of the Defence of India Rules, as amended

3. C.W.Bateson, Esquire, of Messrs.Thomas Cooper and Company, London, J.W.Boyle, Esquire, of the Asistic Petroleum Company Limited, and Henry Morgan, Esquire, of Morgan Brothers and Company, London, or any one or more of them, or ~~either~~ their agents in India, Messrs.Mackinnon and Mackenzie, Calcutta, are hereby authorised to take, on the instructions and in the names and on behalf of the persons beneficially interested, such steps and proceedings as they may consider desirable for the purpose of: -

(a) obtaining possesion of any cargo lying in a ship at a port in any country not being enemy territory, other than cargo in a ship owned by a person who was an enemy prior to the 9th day of April, 1940;

(b) enforcing and obtaining payment of any claim (other than a claim to the possession of cargo lying in a ship owned by a person who was an enemy prior to the 9th day of April, 1940) against any ship owned or chartered by an enemy, or against the owner, charter, master or agent of any such ship; or

(c) resisting any claim made by the owner, charter, master or agent of any ship owned or chartered by an enemy

provided that, without an authority given generally or specially in that behalf by the Central Government, (a) no payment shall be made to or for the benefit of any enemy, and (b) no compromise shall be made of any claim against an enemy on receiving payment of less than the full amount of the claim. Sd/- C.N. Sharples
Deputy Secy. to the Government of India

No. P4947 81.4.41
Ly 2-40-72

12 copies

Notification.

In pursuance of clause (a) of the proviso to sub-rule (1) of rule 98 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, namely:-

1. This Order may be called the Enemy (Shipping Claims) Order, 1941.

2. In this Order the expressions "enemy" and "enemy territory" have the meanings respectively assigned to them in rule 97 and 72 of the Defence of India Rules, as applied to Mysore.

3. C.W. Bateson, Esquire, of Messrs. Thomas Cooper and Company, London, J.W. Boyle, Esquire, of the Asiatic Petroleum Company Limited, and Henry Morgan, Esquire, of Morgan Brothers and Company, London, or any one or more of them, or their agents in India, Messrs. Mackinnon and Mackenzie and Co, Calcutta, are hereby authorised to take, on the instructions and in the names and on behalf of the persons -- beneficially interested, such steps and proceedings as they may consider desirable for the purpose of:-

(a) obtaining possession of any cargo lying in a ship at a port in any country not being enemy territory, other than cargo in a ship owned by a person who was an enemy prior to the 9th day of April, 1940;

(b) enforcing and obtaining payment of any claim (other than a claim to the possession of cargo lying in a ship owned by a person who was an enemy prior to the 9th day of April, 1940) against any ship owned or chartered by an enemy, or against the owner, charter, master or agent

of any such ship; or

(c) resisiting any claim made by the owner, charter, master or agent of any ship owned or chartered by an enemy

provided that, without an authority given generally or specially in that behalf by the Central Government in British India, (a) no payment shall be made to or for the benefit of any enemy, and (b) no compromise shall be made of any claim against an enemy on receiving payment of less than the full amount of the claim.

By Order,

27/3/41

Secy. to Govt.
Law Dept.

27/3

To

The Compiler, Mysore Gazette, for publication in part IV of the Gazette x sundry 50 spare copies

31/3/41

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P. 4947/Legis.2-40-72 General and Revenue Secretariat,

Dated Bangalore, 1st April 1941. *19*

NOTIFICATION.

In pursuance of clause (a) of the proviso to sub-rule (1) of rule 2B of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following further order:-

1. This order may be called the Enemy (Shipping Claims) Order, 1941.

2. In this order the expressions 'enemy' and 'enemy territory' have the meanings respectively ascribed to them in sub-rule (1) of rule 2 of the Defence of India Rules, as applied to Mysore.

3. A. C. Dotson, Esquire, of Messrs. Thomas Cooper and Company, Limited, J. A. Boyle, Esquire, of the Anglo-Persian Oil Company Limited, and Henry Morgan, Esquire, of Messrs. Morgan Brothers and Company, Limited, or any one or more of them, or their agent in Persia, Messrs. Dickinson and Mackenzie, Calcutta, are hereby authorised to take, on the instructions and in the name and on behalf of the persons respectively interested, such steps and proceedings as they may consider desirable for the purpose of:-

(a) obtaining possession of any cargo lying in a ship at a port in any country not being enemy territory, other than cargo in a ship owned by a person who was an enemy prior to the 9th day of April 1940;

enforcing and obtaining payment of any claim (other than a claim to the possession of cargo lying in a ship owned by a person who was an enemy prior to the 9th day of April, 1940) against any ship owned or chartered by an enemy, or against the owner, charterer, master or agent of any such ship; or

(b) resisting any claim made by the owner, charterer, master or agent of any ship owned or chartered by an enemy;

Provided that, without an authority given generally or specially on that behalf by the Central Government in British India, (a) no payment shall be made to or for the benefit of any enemy, and (b) no compromise shall be made of any claim against an enemy resulting in payment of less than the full amount of the claim.

By Order,

K. Ramakrishnaiya

Secretary to Government,
Law Department.

To the Mysore Gazette, for publication and sending

LAW SECRETARIAT.

No. P. 4947—*Legis.* 2-40-72, *dated* 1*st April* 1941.

In pursuance of clause (*a*) of the proviso to sub-rule (1) of rule 98 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order namely :—

1. This Order may be called the Enemy (Shipping Claims) Order, 194[illegible].
2. In this Order the expressions "enemy" and "enemy territory" have the meanings respectively assigned to them in rule 97 and 2 of the Defence of India Rules, as applied to Mysore.
3. C. W. Bateson, Esquire, of Messrs. Thomas Cooper and Company, London, J. W. Boyle, Esquire, of the Asiatic Petroleum Company, Limited, and Henry Morgan, Esquire, of Morgan Brothers and Company, London, or any one or more of them, or their agents in India, Messrs. Mackinnon and Mackenzie, Calcutta, are hereby authorised to take, on the instructions and in the names and on behalf of the persons beneficially interested, such steps and proceedings as they may consider desirable for the purpose of :—

   (*a*) obtaining possession of any cargo lying in a ship at a port in any country not being enemy territory, other than cargo in a ship owned by a person who was an enemy prior to the 9th day of April 1940 ;

   (*b*) enforcing and obtaining payment of any claim (other than a claim to the possession of cargo lying in a ship owned by a person who was an enemy prior to the 9th day of April 1940), against any ship owned or chartered by an enemy, or against the owner, charterer, master or agent of any such ship ; or

   (*c*) resisting any claim made by the owner, charterer, master or agent of any ship owned or chartered by an enemy :

   provided that, without an authority given generally or specially in that behalf by the Central Government in British India, (*a*) no payment shall be made to, or for the benefit of, any enemy, and (*b*) no compromise shall be made of any claim against an enemy on receiving payment of less than the full amount of the claim.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.